

United States District Court  
for the  
Southern District of New York  
Related Case Statement

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Full Caption of Later Filed Case:

Atlas Master Fund, Ltd., Atlas Leveraged  
Master Fund, Ltd. and Lyxor/Balyasny  
Atlas Enhanced Fund, Ltd.

Plaintiff

Case Number

vs.

American Realty Capital Properties, Inc.,  
n/k/a VEREIT, Inc., Nicholas S. Schorsch,  
David S. Kay, Brian S. Block, and Lisa P.  
McAlister

Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

In re American Realty Properties, Inc.  
Litigation

Plaintiff

Case Number

vs.

1:15-mc-00040-AKH

Defendant

## Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

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Open

(If so, set forth procedural status and summarize any court rulings.)

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

The action being filed today is against the same defendants as a consolidated putative class action filed by purchasers of securities of American Realty Capital Properties, Inc. ("ARCP") that was filed in this Court and assigned to Judge Hellerstein. Although this action is not a class action, like the other case before Judge Hellerstein, plaintiffs in this action are purchasers of ARCP securities who are asserting claims in connection with misrepresentations and omissions in ARCP's public filings that were first partially disclosed by ARCP on October 29, 2014.

Signature: /s/ Lawrence M. Rolnick

Lowenstein Sandler LLP

Date: 7/8/16

Firm: \_\_\_\_\_